

1 **JENNY L. FOLEY, Ph.D., ESQ.**

Nevada Bar No. 9017

2 **HKM EMPLOYMENT ATTORNEYS LLP**

1785 E. Sahara Ave, Suite 325

Las Vegas, NV 89104

Tel: (702) 625-3893

Fax: (702) 625-3893

E-mail: jfoley@hkm.com

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 LARA WARD, An Individual)

CASE NO. **2:17-cv-03029**

9)
10 Plaintiff,)

11 vs.)

12 STATE OF NEVADA, ex rel. its BOARD)
13 OF MEDICAL EXAMINERS, DON)
ANDREAS, an Individual, PAMELA)
14 CASTAGNOLA, an Individual, KIM)
FRIEDMAN, an Individual, KATI)
15 PAYTON, an Individual, TODD RICH,)
an Individual AND EDWARD)
16 COUSINEAU, an Individual; DOES I-X.)

ECF Nos. 17, 18, 19, 31

17 Defendants.)
18)

19 **STIPULATION AND ORDER RESOLVING PENDING MOTIONS AND AGREEING**
20 **TO FILE A FIRST AMENDED COMPLAINT**
21 **(FIRST REQUEST)**

22 COMES NOW, the Plaintiff, LARA WARD ("Ward"), by and through her attorney,
23 JENNY L. FOLEY, Ph.D., ESQ., of the law firm HKM EMPLOYMENT ATTORNEYS LLP,
24 and Defendants, STATE OF NEVADA, ex rel. its BOARD OF MEDICAL EXAMINERS,
25 PAMELA CASTAGNOLA, KIM FRIEDMAN, KATI PAYTON, and EDWARD
26 COUSINEAU, by and through their attorney, S. BRETT SUTTON, ESQ., of SUTTON
27 HAGUE LAW CORPORATION, P.C., hereby stipulate and agree as follows:

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1 WHEREAS, on or about January 4, 2018, Defendants filed a Motion to Dismiss, Motion
2 to Strike Scandalous Matter and Motion for a More Definite Statement (collectively “the
3 Motions” or “Motions”);

4 WHEREAS, the Parties have met and conferred extensively with respect to the Motions,
5 and Plaintiff has agreed to file a First Amended Complaint addressing, at least in part, certain
6 of the concerns raised by Defendants’ Motions to the satisfaction of all counsel without waiving
7 any rights;

8 WHEREAS, the Parties agree that the February 5, 2018 hearing that is currently on the
9 Court’s calendar should be vacated in light of Plaintiff’s agreement to file an amended
10 Complaint as set forth herein

11 THEREFORE, based on all of the foregoing, the Parties jointly stipulate and
12 respectfully request that the Court issue an Order as follows:

13 1. That the February 5, 2018 hearing on Defendants’ Motions (ECF Nos. 17-19)
14 be taken off calendar;

15 2. That the Plaintiff shall file a First Amended Complaint not later than February
16 28, 2018, which will:

- 17 a. List and separately allege each cause of action against each Defendant and
18 will note, in what capacity each Defendant is being sued for each cause of
19 action;
- 20 b. List the factual predicates of each cause of action in accordance with general
21 rules of pleading;
- 22 c. Remove the allegations in paragraph 72 a-z of the Complaint;
- 23 d. Remove the causes of action under NRS and for Negligent
24 Hiring/Supervision.

25 3. Plaintiff will provide a copy of the Proposed Amended Complaint to Defendants’
26 counsel for the purposes of discussing any dispute related to the stipulations
27 contained above by February 12, 2018, and the Parties agree to discuss any
28 unresolved issues with respect to the Proposed First Amended Complaint prior to

1 requesting a hearing date on Defendants' Motions or filing further responsive
2 motions regarding the same.

3
4 Dated this 2nd day of February, 2018.

5 **HKM Employment Attorneys LLP**

6
7 /s/ Jenny L. Foley
8 Jenny L. Foley, Esq.
9 Nevada Bar No. 9017
10 1785 East Sahara Ave, Suite 325
11 Las Vegas, Nevada 89104
12 *Attorney for Plaintiff*


Dated this 2nd day of February, 2018.

Sutton Hague Law Corporation P.C.

/s/ S. Brett Sutton
S. Brett Sutton, Esq.
Nevada Bar No. 12109
9600 Gateway Drive, Suite 100
Reno, Nevada 89521
Attorney for Defendants

13 **ORDER**

14 Based on the parties' stipulation [ECF No. 31] and good cause appearing, IT IS HEREBY
15 ORDERED that the pending motions to dismiss, to strike scandalous matter, and for a more
16 definite statement [ECF Nos. 17, 18, 19] are DENIED without prejudice as moot, and the
17 hearing on these motions scheduled for February 5, 2018, is VACATED. Plaintiff must
18 file a First Amended Complaint by February 28, 2018.

19 
20 U.S. District Judge Jennifer A Dorsey
21 February 4, 2018
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